



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004
HB4302

Introduced 1/30/2004, by Karen A. Yarbrough

SYNOPSIS AS INTRODUCED:

New Act
720 ILCS 675/1

from Ch. 23, par. 2357

Creates the Display of Tobacco Products Act. Provides that it is unlawful to sell, offer for sale, give away, or display tobacco products for sale at any location where the consumer can acquire those products through self-service. Provides that every tobacco product must be displayed from behind a sales or service counter so that a consumer cannot access tobacco products without assistance by an employee of the retail establishment authorized to sell tobacco products. Exempts the sale of tobacco products from vending machines if the vending machines are located in places authorized under the Sale of Tobacco to Minors Act. Provides that a violation is a petty offense. Exempts retail tobacco stores. Amends the Sale of Tobacco to Minors Act. Prohibits a minor under 18 years of age from selling tobacco products at a retail establishment authorized to sell tobacco products. Exempts a sales clerk in a family-owned business which can prove that the clerk is in fact a son or daughter of the owner. Effective January 1, 2005.

LRB093 18119 RLC 43807 b

1 AN ACT in relation to tobacco products.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Display of Tobacco Products Act.

6 Section 5. Definition. In this Act:

7 "Tobacco product" means a cigar, cigarette, smokeless
8 tobacco, or tobacco in any of its forms.

9 Section 10. Tobacco product displays. It is unlawful to
10 sell, offer for sale, give away, or display tobacco products
11 for sale at any location where the consumer can acquire those
12 products through self-service. Every tobacco product must be
13 displayed from behind a sales or service counter so that a
14 consumer cannot access tobacco products without assistance by
15 an employee of the retail establishment authorized to sell
16 tobacco products.

17 The self-service restrictions described in this Section
18 shall not apply to a retail tobacco store that (i) derives at
19 least 90% of its revenue from tobacco and tobacco related
20 products; (ii) does not permit persons under the age of 18 to
21 enter the premises; and (iii) posts a sign on the main entrance
22 way stating that persons under the age of 18 are prohibited
23 from entering.

24 Section 15. Vending machines. This Act does not prohibit
25 the sale of tobacco products from vending machines if the
26 location of the vending machines are in compliance with the
27 provisions of Section 1 of the Sale of Tobacco to Minors Act.

28 Section 20. Sentence. A violation of this Act is a petty
29 offense for which the court shall impose a fine of not less

1 than \$100 nor more than \$1,000.

2 Section 105. The Sale of Tobacco to Minors Act is amended
3 by changing Section 1 as follows:

4 (720 ILCS 675/1) (from Ch. 23, par. 2357)

5 Sec. 1. Prohibition on sale of tobacco to minors; vending
6 machines; lunch wagons.

7 (a) No minor under 18 years of age shall buy any cigar,
8 cigarette, smokeless tobacco or tobacco in any of its forms. No
9 person shall sell, buy for, distribute samples of or furnish
10 any cigar, cigarette, smokeless tobacco or tobacco in any of
11 its forms, to any minor under 18 years of age. No minor under
12 18 years of age may be employed or permitted to sell any cigar,
13 cigarette, smokeless tobacco, or tobacco in any of its forms at
14 a retail establishment authorized to sell tobacco products. No
15 minor under 18 years of age may sell any cigar, cigarette,
16 smokeless tobacco, or tobacco in any of its forms at a retail
17 establishment authorized to sell tobacco products. This
18 Section does not apply to a sales clerk in a family-owned
19 business which can prove that the sales clerk is in fact a son
20 or daughter of the owner.

21 For the purpose of this Section, "smokeless tobacco" means
22 any tobacco products that are suitable for dipping or chewing.

23 (b) Tobacco products listed above may be sold through a
24 vending machine only in the following locations:

25 (1) Factories, businesses, offices, private clubs, and
26 other places not open to the general public.

27 (2) Places to which minors under 18 years of age are
28 not permitted access.

29 (3) Places where alcoholic beverages are sold and
30 consumed on the premises.

31 (4) Places where the vending machine is under the
32 direct supervision of the owner of the establishment or an
33 employee over 18 years of age. The sale of tobacco products
34 from a vending machine under direct supervision of the

1 owner or an employee of the establishment is considered a
2 sale of tobacco products by that person. As used in this
3 subdivision, "direct supervision" means that the owner or
4 employee has an unimpeded line of sight to the vending
5 machine.

6 (5) Places where the vending machine can only be
7 operated by the owner or an employee over age 18 either
8 directly or through a remote control device if the device
9 is inaccessible to all customers.

10 (c) The sale or distribution at no charge of cigarettes
11 from a lunch wagon engaging in any sales activity within 1,000
12 feet of any public or private elementary or secondary school
13 grounds is prohibited.

14 For the purpose of this Section, "lunch wagon" means a
15 mobile vehicle designed and constructed to transport food and
16 from which food is sold to the general public.

17 (Source: P.A. 93-284, eff. 1-1-04.)

18 Section 999. Effective date. This Act takes effect January
19 1, 2005.